

CLOSING ARGUMENTS

November 21, 2014

Robert L. Stott

Salt Lake County District Attorney's Office

- I. Have a Proper Perspective of Closing Arguments.
 - A. Because of the burden of proof, prosecutors seldom win cases base upon their closing arguments.
 - B. Prosecutors win cases based upon proof, evidence, witnesses, and exhibits.
 - C. The most important characteristic that a prosecutor must demonstrate is trust.
 - D. Thus, the two essential components of a successful closing argument must be developed before the actual delivery of the closing argument.
 1. The obtaining of, the honing of, and the presentation of evidence.
 2. Your trustworthiness.
- II. At the proper time and place, stir the emotional chord of the jurors.
 - A. If it is your own feelings make sure they are sincere.
 - B. Remind the jury of the feelings and emotions of the victim or witnesses at the time of the crime, and /or during their testimony.
 1. You cannot tell the jurors to put themselves in the shoes of the victim, but that is exactly what you want them to do. You want them to feel "there, but for the grace of God, go I."
 2. Along with your evidence, if you can get the jurors to identify with, sympathize with, or feel compassion for the victim, you will obtain a conviction.
 3. If there is especially poignant, emotional, or touching testimony, be sure to emphasize it in your argument.

III. Jury Instructions.

- A. Explain what proof beyond a reasonable doubt is and what it is not.
- B. While you should concentrate on the elements that are in dispute, briefly show how all of the elements of the crimes/s have been proven.
- C. Explain that the burden of proof applies only to the elements, not to many of the issues raised by the defense.
- D. Explain “party to the offense” instruction when applicable.
- E. Explain that when the element instructions include different ways in which the crime can be committed, the State only need to prove one of the ways.
- F. Do not include in the elements instruction language that is not applicable.

IV. Slides and Exhibits.

- A. Don’t over tech your closing.
 - 1. The Jurors’ attention should be on you
 - 2. Make the jurors consider the weapons, if any, employed in the crime.
 - 3. Don’t leave exhibits, including photographs, on the rail in front of the jury during your closing.

V. Remember the victim

- A. Open the opening statement by talking about the victim.
- B. Close the closing argument by talking about the victim.

VI. Emphasize the need to hold the defendant responsible for his/her actions.

- A. Good: ask the jury to find the defendant guilty.
- B. Better: ask the jury to hold the defendant legally responsible for his/her actions.

